IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17333 of 2002

Between:

R.Radheshyam S/o Narsaiah,
Junior Assistant, Munsif Magistrate's Court,
Mulugu, Warangal district. .....
PETITIONER

AND

1. The District & Sessions Judge, Warangal.
2. The Registrar (Administration),
High Court of A.P.,
Hyderabad.
.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass an order or direction or writ under Article 226 of the Constitution of India more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in passing the Order DC-WGL/AW-E4 Dis.No.3955 dated 18.7.2002 imposing the punishment of compulsory retirement on the petitioner forthwith as bad, illegal, arbitrary and against the principles of natural justice.

Counsel for the Petitioner : Mr. C.DAMODAR REDDY

Counsel for Respondent No.2 : Mrs.M.BHASKARA LAKSHMI,
Standing Counsel for A.P. High Court

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Order imposing punishment of compulsory retirement by respondent No.1 is under challenge in this writ petition, which was filed on 9-9-2002.

Before approaching the Writ Court, the petitioner has not exhausted the departmental remedy available to him in questioning the order passed by respondent No.1. Availability of alternative remedy, though does not bar the writ petition, but, normally such extraordinary jurisdiction will not be exercised by Writ Court when statutory remedy of appeal is available.

With leave and liberty granted to the petitioner to challenge the order impugned in the writ petition by preferring departmental appeal in accordance with law, the writ petition is dismissed. Needless to add that in case appeal is filed by the petitioner within thirty days from the date of receipt of the order of this Court, appeal will be entertained by respondent No.2 without raising the question of limitation and will be disposed of in accordance with law within a period of three months from the date of receipt of appeal. No costs.

_____

DEVINDER GUPTA, C.J.

23rd September 2004.

_____

C.V.RAMULU, J.

ARS

To

1 The District & Sessions Judge, Warangal.
2 The Registrar (Administration), High Court of A.P., Hyderabad.
3 One CC to Mrs.M. Bhaskara Lakshmi, Standing Counsel for

A.P.
High Court, High Court Buildings, Hyderabad (OUT).
4 The Section Officer, Legal Cell, High Court of A.P., Hyderabad.
5 Two CD copies.